

**Wittels  
McInturff  
Palikovic**

July 18, 2023

**Via ECF**

The Hon. Andrew E. Krause  
United States District Court  
300 Quarropas St.  
White Plains, NY 10601

**Re: *Cap 111 Enters. LLC v. Manhattan Beer Distrib., LLC*, No. 22 Civ. 1408 (CS) (AEK)**

Dear Judge Krause,

We write on behalf of Plaintiffs and the proposed Class with Defendants' consent to advise Your Honor that one of the outstanding discovery disputes addressed at the June 16 conference has now been resolved.

Specifically, Plaintiffs' June 9, 2023 pre-conference letter challenged Defendants' objection to producing discovery that fell outside of "the time period in which Plaintiffs or putative class members were customers [of Manhattan Beer]." ECF No. 110; *see also* ECF No. 110-2 (showing this objection being made to Plaintiffs' Third RFP Nos. 1–5, 11–13).

During the June 16 conference, the Court reserved judgment on this dispute and directed the parties to further meet and confer. Hr'g Tr. 74:20–75:22. Plaintiffs are pleased to report that following Defendants' July 9 revised discovery responses and the parties' July 17 meet and confer that this dispute has been resolved.

The only dispute remaining from the June 16 conference is thus the parties' differences regarding the appropriate date range for Defendants' production of database data regarding the 10-cent additional deposit fees charged to Class Members.

Thank you for the Court's attention to this matter.

Respectfully Submitted,

/s/ Ethan D. Roman

Ethan D. Roman

*Counsel for Plaintiffs and the  
Proposed Class*

cc: All Counsel of Record (*via ECF*)